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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

4:21-cr-00351-JSW-1

UNITED STATES OF AMERICA,

Plaintiff,

v.

HEATHER GHARIBIAN,

Defendant.

CASE NO. 4-21-mj-71379 MAG

**ORDER SEALING UNITED STATES'
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF MOTION
FOR PRETRIAL DETENTION,
DECLARATION AND EXHIBITS, AND
SEALING APPLICATION**

For the reasons set forth in the Government's motion to seal, the motion to seal is hereby
GRANTED.

While there is a "strong presumption in favor of access to court records," this presumption can be overcome with "sufficiently compelling reasons for doing so." *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir.2003); *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). A court may seal records only when it finds "a compelling reason and articulate[s] the factual basis for its ruling, without relying on hypothesis or conjecture." *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096–97 (9th Cir.), cert. denied sub nom. What constitutes a "compelling reason" is "best left to the sound discretion of the trial court." *Id.* at 1097. The applicable standard here

is “sufficiently compelling reason” not “good cause.”

The Government has presented sufficiently compelling reasons to seal the portions of documents identified in the table below, and the proposed under seal filings are narrowly tailored. 18 U.S.C. § 3509(d)(2) requires that information concerning child victims be kept confidential and filed under seal, and under 18 U.S.C. § 3771(a)(9), the victims have a right to be treated “with respect for their dignity and privacy.” The information in the portions of the government’s motion described in the table below, and in the four exhibits, tends to identify child victims in this case, and disclosure would violate the victims’ rights to be treated “with respect for their dignity and privacy.” The proposed under seal filing of the documents will sufficiently protect the privacy interests of the child victims, which is required by law.

Document	Proposed Redactions
Government’s Motion for Detention	Page 1, portions of lines 2, 4-8, 11-12 Page 3, portions of lines 4-5, 16-17, 24-27 Page 4, portions of lines 1-8 Page 5, portions of lines 9, 13-4, 16, 23-24 Page 6, portions of lines 22-23, 25-27 Page 7, portions of lines 1-3
Bennett Declaration in Support of Government’s Motion for Detention	No redactions requested
Exhibit 1	Entirety of Exhibit 1
Exhibit 2	Entirety of Exhibit 2
Exhibit 3	Entirety of Exhibit 3
Exhibit 4	Entirety of Exhibit 4

ACCORDINGLY, IT IS HEREBY ORDERED that the unredacted versions of the Government’s motion for detention, the declaration in support and the attached exhibits be sealed until further order of the Court. Redacted versions of the Government’s motion for detention and exhibits to the declaration in support of the motion, with narrowly tailored redactions according to the table above, shall be filed on the public docket.

IT IS SO ORDERED.

DATED: September 14, 2021

HONORABLE JUDGE NATHANAEL M. COUSINS
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GRANTED

Nathanael M. Cousins

Judge Nathanael M. Cousins

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA